

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

CGC
400 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-ICA
Phone: (202) 366-4280
Fax: (202) 366-7124
Email:

*File
Connection
Slough*

5730

NOV 14 2003

Mrs. Barbara B. Hart
711 Beaver Court
Discovery Bay, CA 94514-9408

Dear Mrs. Hart:

This is in reply to your e-mail message of October 20, 2003, to Representative Pombo, concerning the regulations governing the operation of the Reclamation District Drawbridge across Connection Slough, between Mandeville and Bacon Islands, near Stockton, California.

In all drawbridge operations where there are competing needs between land and marine modes of transportation, the potential for conflict between the competing modes exists. The Coast Guard actively pursues regulation changes to strike a balance between the needs of the different modes as circumstances change. Regulation changes are based on analyses of both traffic and bridge opening data.

The Commander, Eleventh Coast Guard District, Alameda, California, published a Notice of Proposed Rulemaking (NPRM), 68 FR 183 dated September 22, 2003, proposing that, "The draw of the Reclamation District No. 2027 bridge between Mandeville and Bacon Islands, mile 2.5, near Stockton, from May 15 through September 15, shall open on signal between the hours of 9 a.m. and 5 p.m., and it shall open upon 12 hours notice between the hours of 5 p.m. and 9 a.m. From September 16 through May 14 the bridge shall open upon 12 hours notice between the hours of 9 a.m. and 5 p.m., and it shall open upon 24 hours notice between the hours of 5 p.m. and 9 a.m. The bridge shall open on signal if at least a one-hour notice is given for emergency operations or vessels in distress."


The District Commander is currently analyzing the data received to determine whether such a change would balance the needs of land and marine traffic. Contrary to unsubstantiated rumors, the bridge will not be closed to marine traffic. Please note that there is supporting data in the drawtender's logs showing little or no calls for bridge openings during certain times of the day/night and seasonally. Given the proposed schedule above, the bridge operator will not be in attendance during those periods of inactivity, however, the drawbridge can still be opened with advance notice. Due to the extensive misunderstanding of the drawbridge's proposed operating schedule, the District Commander is drafting a Supplemental NPRM to clarify the operation that is being proposed. Your name and address has been added to the publication mailing list. Any proposed schedule changes will be published in the Federal Register with opportunity for comments to be made by all interested parties. Selection of the final operating schedule will be based on the results of analysis of the data received during the District Commander's investigation.

COPY

NOV 14 2003

Your comments are appreciated and have been forwarded to the District Commander for his consideration during evaluation of the data. Thank you for your interest in this matter.

Sincerely,


WILLIAM J. MILNE
Commander, U.S. Coast Guard
Congressional and Governmental Affairs Staff
By direction

Copy: The Honorable Richard W. Pombo

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-ICA
Phone: (202) 366-4280
Fax: (202) 366-7124
Email:

5730

NOV 14 2003

Mr. Louis Erickson
5647 Schooner Loop
Discovery Bay, CA 94514-9408

Dear Mr. Erickson:

This is in reply to your e-mail message of October 20, 2003, to Representative Pombo, concerning the regulations governing the operation of the Reclamation District Drawbridge across Connection Slough, between Mandeville and Bacon Islands, near Stockton, California.

In all drawbridge operations where there are competing needs between land and marine modes of transportation, the potential for conflict between the competing modes exists. The Coast Guard actively pursues regulation changes to strike a balance between the needs of the different modes as circumstances change. Regulation changes are based on analyses of both traffic and bridge opening data.


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WILLIAM J. MILNE
Commander, U.S. Coast Guard
Congressional and Governmental Affairs Staff
By direction

Copy: The Honorable Richard W. Pombo

RICHARD W. POMBO
11TH DISTRICT, CALIFORNIA

CHAIRMAN, COMMITTEE ON RESOURCES

COMMITTEE ON AGRICULTURE

Congress of the United States
House of Representatives
Washington, DC 20515-0511

October 21, 2003

WASHINGTON OFFICE:
2411 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0511
(202) 225-1947

DISTRICT OFFICES:
2495 WEST MARCH LANE, SUITE 104
STOCKTON, CA 95207
(209) 951-8081

3000 Executive Parkway, Suite 216
San Ramon, CA 94583
(925) 866-7040

E-MAIL: rpombo@mail.house.gov
WEB PAGE: www.house.gov/pombo

Cmdr. William Milne
United States Coast Guard
B-320 Rayburn House Office Building
Washington, D.C. 20515

Dear Cmdr. Milne:

The attached communication is sent for your consideration. Your investigation of the statements contained therein would be helpful. I would appreciate it if you would respond directly to my constituent, and send a copy to me at the address listed below:

Congressman Richard Pombo
Attention: Aaron Cutler
United States House of Representatives
2411 Rayburn House Office Building
Washington, DC 20515

Thank you for your cooperation in this regard. I look forward to hearing from you at your earliest opportunity.

Sincerely,



RICHARD W. POMBO
Member of Congress

RP: ac

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From: Web forms <webforms@www6.house.gov>
Date: 10/20/2003 8:00:23 PM
To: ima_call@call.house.gov
Subject: CONTACT ME FORM

Dear Congressman Pombo:

We live in Discovery Bay, California, which is located in the Delta. It is a boating & golfing community. My husband and myself are avid boaters. There are 3 bridges that we must go through to get out of and into Discovery Bay. One of the bridges operates 24 hours a day, and is the first bridge out of Discovery Bay or the last one to get back to Discovery Bay. The other 2 bridges, Connection Slough and Bacon Island Bridge are not operating 24 hours a day. We have to set our boating schedule according to their operating hours. Beacon Island Bridge closes at 5pm during the summer hours. Connection Slough Bridge closes at 10pm during the summer. I understand that there is a move to close Connection Slough Bridge at 5pm, during the summer. There have many times during the last 11 years that we have been boating and knew we had to be through the Bacon Island Bridge by 5pm. So many times we have gotten there at 4:45pm only to find the bridge broken and not operating. Therefore we have to turn around and go all the way around to Connection Slough Bridge to get home. If Connection Slough was closed at 5pm we would have no way to get home, until the next day after the bridge opened. I'm asking that you would look into this problem we are facing. I understand that several of our friends are also writing to the United States Coast Guards. Some of the bridges are the authority of the Coast Guards. Thank You
Barbara Hart

===== Original Formatted Message Starts Here =====

<APP>CUSTOM
<PREFIX>Mrs.</PREFIX>
<FIRST>Barbara</FIRST>
<MIDDLE>B</MIDDLE>
<LAST>Hart</LAST>
<SUFFIX></SUFFIX>
<ADDR1>711 Beaver Ct.</ADDR1>
<CITY>Discovery Bay</CITY>
<STATE>CA</STATE>
<ZIP>94514</ZIP>
<ZIP4>9408</ZIP4>
<PHONE>925-382-8808</PHONE>
<EMAIL>hart1@ix.netcom.com</EMAIL>
<FAX>925-516-9228</FAX>
<AFFL>Other</AFFL>
<AFFL>Choose</AFFL>
<AFFL>Choose</AFFL>
<AFFL></AFFL>
<MSG>Dear Congressman Pombo:

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Barbara Hart </MSG>

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From: Write your representative <writerep@www6.house.gov>
Date: 10/20/2003 4:56:33 PM
To: rpombo@mail.house.gov
Subject: WriteRep Responses

This note is to highlight a impending greivous erroer that the eleventh Coast Guard Dist. is contemplating making. I am a Past Commodore of the Discovery Bay Yacht Club and a life long boater. The Coast Guard is attempting to reduce the hours of operation of the CONNECTION SLOUGH BRIDGE . This bridge was put in during my boating lifetime by the landowner for their convience only! The bridge is in a location that blocks a vital water travel route. The reduction in hours of this bridge during the summer hours would mean greatly increasing the distiance required by area boaters to return back to their home berths. The landowner blocked this water way with this bridge and must continue to operate the bridge as the only route that can be taken without a large bypass into the rough San Juaqin river chanel to return back home. Please contact the Eleventh Coast Guard District in my behalf and my Yacht Clubs behalf (500 memberships) to block this change in operational hours.

Thank You in advance for your prompt attension to this matter. Please reply to me at my E Mail Address with the resolve of this important matter. loueloue@pacbell.net

==== Original Formatted Message Starts Here =====

DATE: October 20, 2003 3:50 PM
NAME: Louis Erickson
ADDR1: 5647 Schooner Loop
ADDR2:
ADDR3:
CITY: Discovery Bay
STATE: California
ZIP: 94514-9213
PHONE: 925-634-3242
EMAIL: loueloue@pacbell.net

msg:

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Version 2.6.C.0723 (ABC) on call using the QNG configuration on the qpower/qng/OLEdb database with RTF under 1024x768 resolution - 10/21/2003
Set up Application Preferences for ACUTLER

Steinberger, Alesia

From: Sulouff, David
Sent: Thursday, October 30, 2003 4:03 PM
To: Steinberger, Alesia
Cc: Shaw, Adam CDR; Swatland, David CDR; Cerles, Chris
Subject: RE: CA Bridges

Greetings AJ:
Yes the fax's came in.
They are copies of emails.

Yes, there is a proposal to change the governing drawbridge regulation for the Reclamation District drawbridge across Connection Slough. It ran as an NPRM in the Federal Register. The comment period ended 22 Oct 2003. The last of the comments are trickling in. Attached is the NPRM as published in the FR.



ConSINPRMPublishe
d0903.doc

There is no provision for email comments in response to our Federal Register notice. The NPRM provided clear directions for waterway users to provide written comments to our office. Since most of those who are responding and commenting have not read the NPRM, it follows that their comments (email or otherwise), miss the mark by a wide margin. The boaters have allowed themselves to be motivated by second hand mis-information and outside interpretation of what is being proposed by the CG.

There has been a large response from the waterway users as a result of outside influence that created confusion over what is actually being proposed. The emails are a good example of the lack of understanding of how to call for the bridge to open under the existing reg and the compounded misunderstanding of the proposal to expand the advance notice times.

Contrary to the faxed emails, the bridge is not "closed", except for emergencies or approved repairs, and the proposal does not include "closing" the bridge to waterway traffic.

The bridge owner provided drawbridge operating logs for 2 years. The logs show little or no calls for bridge openings during certain times of the day/night and seasonally. The intent of the bridge owner is to allow the bridge operator to go home during those periods of inactivity and to reduce operating costs at the bridge.

The bridge will continue to open when signaled, with provisions for advance notice part of the time.

We are presently drafting a Supplemental NPRM on the subject and hope to alleviate the misunderstanding generated by local publishers who did not accurately represent the facts of the proposal.

We received approximately 180 letters (many of canned format, some with different signatures in the same ink and same handwriting), that will be replied to in-kind prior to publishing the next NPRM on the subject.

From the West Coast

v/r

dhs

David H. Sulouff

Chief, Bridge Section

Eleventh Coast Guard District

(510) 437-3516

-----Original Message-----

From: Steinberger, Alesia
Sent: Thursday, October 30, 2003 12:24 PM
To: Sulouff, David
Cc: Cerles, Chris
Subject: CA Bridges
Importance: High

Greetings West Coast from East Coast,

Just checking whether you received two fax messages today describing situations in Discovery Bay and Connection Slough Bridge in CA.

Is there a regulation change in progress? Any other complaints on these bridges? Please advise so that I can formulate the response to Congressman Pombo.

If by chance, no faxes were received, call and I will explain further.

thanks, r,

ALESIA STEINBERGER

Chief, Alterations, Drawbridges & Systems

Office of Bridge Administration

202-267-6215

[Federal Register: September 22, 2003 (Volume 68, Number 183)]
[Proposed Rules]
[Page 55020-55022]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr22se03-22]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD11-03-005]
RIN 1625-AA09

Drawbridge Operation Regulations; Connection Slough, Stockton, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating requirements of the Reclamation District Drawbridge across Connection Slough, between Mandeville and Bacon Islands, near Stockton, CA, by reducing the periods of time when the drawspan is required to open on signal for the passage of vessels and by increasing the advance notice periods. The bridge owner requests these changes in order to reduce the costs of operating the drawbridge. The proposed action would reduce the number of hours the bridge needs to be manned and, therefore, would reduce costs to the owner.

DATES: Comments and related material must reach the Coast Guard on or before October 22, 2003.

[[Page 55021]]

ADDRESSES: You may mail comments and related material to Commander (oan), Eleventh Coast Guard District, Building 50-3, Coast Guard Island, Alameda, CA 94501-5100. The Bridge Section maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (oan), Eleventh Coast Guard District, Building 50-3, Coast Guard Island, Alameda, CA 94501-

vessel operation. The above changes would lower the costs of operating the bridge for the bridge owner without significantly impacting waterway users.

Regulatory Evaluation

This proposed rule is not a ``significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ``significant'' under the regulatory policies and procedures of the Department of Homeland Security.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Vessel counts derived from drawbridge operating logs and land traffic counts were submitted by CCRC Farms in support of their request, showing little demand for bridge openings during the proposed periods of advance notice. The Coast Guard, through individual correspondence, also requested comments regarding the proposed changes from established waterway representatives and known operators. The Coast Guard did not receive any responses from these users of the waterway. The above counts and lack of response from waterway users show that there is little or no requirement for opening the drawbridge during the proposed periods of advance notice, therefore the impact of the proposed regulation is expected to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ``small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. No small entities were identified that would be affected by the proposed rule. Vessel traffic counts indicate the waterway users presently requiring operation of the drawspan would continue to receive the same level of service at the bridge. The proposal is to decrease unnecessary manning of the bridge during times and dates when the bridge historically has not been called for an opening.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Collection of Information

one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this proposed rule is categorically excluded, under figure 2-1, paragraph (32)(e) of the Instruction, from further environmental documentation, since promulgation of drawbridge regulations has been determined not to have any effect on the environment.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117--DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05-1(g); Department of Homeland Security Delegation No. 0170.1; section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Revise Sec. 117.150 to read as follows:

Sec. 117.150 Connection Slough.

Steinberger, Alesia

From: McLean, Selvin LT
Sent: Friday, October 31, 2003 8:35 AM
To: Steinberger, Alesia
Subject: RE: Congressional

Importance: High

Ms. Steinberger,

I left you a voicemail in regards to Congressional that my office was info'd on. The Action to part was directed to G-O. The subject was the 'Connection Slough Bridge' in District Eleven. If you have the opportunity can we touch bases on the issue.

I took a look at the website of one the parties involved with the letter to their Congressman. A form letter is attached from that site.



ConnectionSloughC
allToArms.doc...

Selvin McLean, LT
Waterways Management (G-MWP-1)
US Coast Guard Headquarters
2100 Second Street, SW (Rm 1406)
Washington, DC 20593
tel(202) 267-0486
fax(202) 267-4700
E-mail: SMclean@comdt.uscg.mil

The truth is out there.....

October 9, 2003

Jerry P. Olmes, Bridge Management Specialist
Attn: Bridge Section
Eleventh Coast Guard District, Building 50-3 Coast Guard Island
Alameda, CA 94501-5100

Subject: Connection Slough Bridge

I am a member of the Discovery Bay Yacht Club. Our members are active boaters and utilize many of the drawbridges in the Delta area. We are in opposition to your proposal to greatly reduce the operational hours and days of the Connection Slough drawbridge, which connects Bacon Island and Mandeville Island in the Sacramento-San Joaquin Delta.

This is a key bridge and waterway between the Stockton and Bethel Island areas, and also sees traffic from the Discovery Bay area. It helps provide access to favored anchorages in Mildred Island and at "Horseshoe Cove" near Little Mandeville Island. As you know, this bridge has only modest vertical clearance. Shortening the hours and times of operation would create a true hardship for recreational boaters. The present operational schedule seems adequate, and we believe it should be maintained.

The waterfront areas in both the Stockton and Bethel Island regions are growing more populous, and we conclude that there will be even more boaters wishing to use these waterways than there are at the present time.

Your reason for the proposed operational hours changes do not seem very urgent -- to save money for the landowners, the recreation district. We are sure they were aware of their obligation to keep this bridge operational when they applied for the bridge permit. Unless our memory fails, at an earlier time they were required to keep this bridge operational 24 hours a day.

We also ask that you extend the period for comment on your proposal another 30 days to November 23, 2003. This would allow time to receive more input from affected boaters.

Sincerely,